

FILED

JUL 21 2014

JULIE A. RICHARDS, CLERK  
US DISTRICT COURT, EDNC  
BY MB DEP CLK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

United States of America,  
Plaintiff,

v.

Land Rover Vehicles,  
Specifically Described as:  
A 1988 Land Rover  
VIN: SALLDHAB7BA324873, et al.,  
Defendants.

Case No.: 5:14-cv-0034-F

In re:  
Return of Seized Land Rover Defender,  
VIN: SALLDHAG7AA189401

Daniel M. Harrington,  
Claimant.

**CLAIMANT DANIEL M. HARRINGTON'S VERIFIED CLAIM OF INTEREST**

STATE OF NEW YORK     )  
                                  )ss.  
COUNTY OF ALBANY    )

**DANIEL M. HARRINGTON**, being duly sworn, deposes and says:

1. Pursuant to Rule G(5)(a) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions of the Federal Rules of Civil Procedure, I hereby file this Verified Claim and assert my interest and right in the Defendant, Land Rover Defender VIN: SALLDHAG7AA189401 *in rem* in this action.
2. Through this Verified Claim, I note my appearance in this action, *pro se*, and demand that the complaint and all further pleadings filed in this action be served upon me. I further demand the release of my Land Rover Defender VIN: SALLDHAG7AA189401 and the right to defend this action.
3. I am the sole owner of the property, Land Rover Defender VIN: SALLDHAG7AA189401, having purchased the same in December 2013, from an individual in Saratoga Springs, New York.
4. I note for the Court that my Land Rover Defender VIN: SALLDHAG7AA189401 has been erroneously listed as a 2000 Defender in the caption of this action. In actuality, the Land Rover Defender VIN: SALLDHAG7AA189401 was manufactured in 1983. A basic visual inspection of the vehicle reveals that the same was manufactured far earlier than 2000.
5. As the pleadings in this matter are currently being kept under seal and as I have not been served with a copy of the complaint for which the warrant of arrest of my Land Rover Defender VIN: SALLDHAG7AA189401 was issued, I am ignorant of the reason for the arrest and, thus, cannot adequately respond herein. However, to the extent unlawful importation is claimed, I respectfully submit that I have no knowledge of the same, nor did I participate in the importation of the Land Rover Defender VIN:

SALLDHAG7AA189401. Rather, upon information and belief, I am the third owner of the subject vehicle since its importation to the United States.

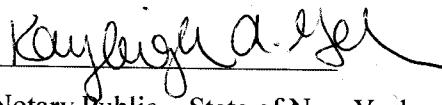
6. I was advised that the Land Rover Defender VIN: SALLDHAG7AA189401 was manufactured in 1983 at the time I purchased it. My visual inspection of the vehicle reinforced this information as the vehicle exhibited correlative signs of aging and the vehicle's features were consistent with the features of Land Rover Defenders manufactured in 1983. Additionally, I had the vehicle examined by an expert in the field, who confirmed that the Land Rover Defender VIN: SALLDHAG7AA189401 was manufactured in 1983. At no time have I believed or had reason to believe my Land Rover Defender VIN: SALLDHAG7AA189401 was manufactured in any year other than 1983.
7. As my Land Rover Defender VIN: SALLDHAG7AA189401 was manufactured in 1983, it is 31 years old and its presence and operation in the United States is wholly permissible pursuant to 49 U.S.C. § 30112(b)(9).
8. I respectfully submit that the arrest of my Land Rover Defender VIN: SALLDHAG7AA189401 was wrongful and not supported by probable cause. I reserve my right to seek any and all relief that may be available to me, statutory or otherwise, the entitlement to which I have not plead in this Verified Claim for its improper arrest.
9. In the event an entry of forfeiture judgment is entered, I will seek relief from excessive fines under the Excessive Fines Clause of the Eighth Amendment to the extent it applies.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment under penalty of perjury.

Dated: July 17, 2014

  
Daniel M. Harrington  
*Claimant, pro se*  
23 Homestead Avenue  
Apt. 2  
Albany, New York 12203  
(518) 944-6198  
[dannymharrington@gmail.com](mailto:dannymharrington@gmail.com)

Sworn to before me this 17<sup>th</sup> day  
of July, 2014.

  
Notary Public – State of New York

**KAYLEIGH ANN EGELAKS**  
Notary Public, State of New York  
No. 02GE0297369  
Qualified in Albany County  
Commission Expires February 24, 2018

To: Office of the Clerk  
United States District Court, Eastern District of North Carolina  
310 New Bern Avenue  
Post Office Box 25670  
Raleigh, NC 27601-1481

Assistant U.S. Attorney  
Stephen A. West  
310 New Bern Avenue  
Federal Building, Suite 800  
Raleigh, NC 27601-1461

**Certificate of Service**

On this <sup>18<sup>th</sup></sup>~~17<sup>th</sup>~~ day of July, 2014, I sent a copy of this Verified Claim of Interest via first class mail, return receipt requested and certified mail to Assistant U.S. Attorney, Stephen A. West, at 310 New Bern Avenue, Federal Building, Suite 800, Raleigh, NC 27601-1461.

A handwritten signature in black ink, appearing to read 'Daniel M. Harrington', written over a horizontal line.

Daniel M. Harrington